

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, May 21, 2007 7:00 p.m.

CVCC

Request for transfer of capital funds and supplemental appropriation 629 05/21/07

Emergency Services

Request for supplemental appropriation of EMPG Grant Funds 628 05/21/07

Funding from HRSA Grants 628 05/21/07

Planning

Public Hearing – rezoning request for 2.18 acres in Jacob Fork Township 625 05/21/07

Public Hearing – rezoning request for 6.58 acres in Mountain Creek Township 626 05/21/07

NC Housing Finance Agency 2007 Urgent Repair Program 628 05/21/07

Proclamations

Foster Care Month 624 05/21/07

Teen Pregnancy Prevention Month 624 05/21/07

Emergency Medical Services Week 624 05/21/07

Public Hearings

Proposed name for unnamed road 624 05/21/07

Rezoning request by Terry Moretz – 2.18 acres in Jacobs Fork Township 625 05/21/07

Rezoning request by Todd and Kelley Dittrich – 6.58 acres in Mountain Creek Township 626 05/21/07

Roads

Public Hearing to name unnamed road – Windward Ln. 624 05/21/07

Request for Board to reconsider closure of a portion of Shuford Road 624 05/21/07

The Catawba County Board of Commissioners met in regular session on Monday, May 21, 2007 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Glenn E. Barger and Lynn M. Lail.

Also present were Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

County Manager J. Thomas Lundy was absent.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
Chair Barnes noted County Manager J. Thomas Lundy was absent because he had just returned from Albania and arrived late so Assistant County Manager Lee Worsley would be taking his place.
2. Commissioner Lynn M. Lail led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Meeting of May 7, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present.
6. Comments for Items not on the Agenda.

Mr. Nolan Newborn came forward to request the Board reconsider a request to close of a portion of Shuford Road. While the North Carolina Department of Transportation is the approving authority for this type of request, NCDOT seeks the recommendation of the Board of Commissioners of the county in which the road at issue is located. The Board recommended against the closure at its March 19, 2007 meeting based on information presented that the closure would deny access to a homeowner's property. County Attorney Debra Bechtel advised the Board that NCDOT would need to make a request that the Board reconsider this matter, and the Board asked that staff investigate all issues relating to this request prior to it being placed on an upcoming agenda.

7. Presentations:

a. Commissioner Lail presented Sybil Good from Family Builders with a proclamation declaring the month of May as Foster Care Month in Catawba County to celebrate the contributions of foster parents and child welfare professionals, and urged all citizens to volunteer their time, energy, and talents on behalf of children in foster care. According to the North Carolina Department of Health and Human Services, there are approximately 11,309 children of all ages in the North Carolina foster care system right now. Every day, citizens choose to become foster parents and open their homes, hearts and lives to these children. 1400 children were adopted from foster care across the state during the last fiscal year. Foster parents frequently adopt their foster children, which results in a continual need for more foster families. Numerous individuals, communities, and public and private organizations are committed to efforts to ensure children's safety, well-being and permanence.

b. Commissioner Hunsucker presented Trudy Logan from the DSS Prevention Unit with a proclamation declaring May as Teen Pregnancy Prevention Month in Catawba County. Teen pregnancy is a critical issue facing our community, compromising the health, economic, and educational future of our teens and costing the state millions of dollars each year. Roughly 300 teens in Catawba County become pregnant each year and only a third of teenage mothers receive a high school diploma, thereby failing to acquire the education and skills they need to become self-sufficient. Teen Pregnancy Prevention Month is a national, statewide and local effort to bring attention to the issue of teen pregnancy and its consequences on individuals, families and communities, and to highlight the need for comprehensive, effective teen pregnancy prevention programs.

c. Vice-Chair Barbara G. Beatty presented David Weldon, Director of Emergency Services and Sylvia Fisher, EMS Training Officer, with a proclamation declaring the week of May 20-26 as Emergency Medical Services Week, to acknowledge the vital public services provided by EMS. Only a third of Americans rate their households as being "very well prepared" for a medical emergency. Catawba County emergency medical service teams are ready to provide lifesaving care to those in need, 24 hours a day, seven days a week. Catawba County residents benefit from the knowledge and skills of these highly trained individuals.

8. Public Hearings:

a. Renee Hart, E-911 Addressing Coordinator, presented a request for Board approval of the proposed road name for an unnamed street located in Clines Township.

The goal of the County's E-911 Addressing Office is to assign individual E-911 numbers to all dwellings located in Catawba County. One step towards achieving this goal is to name streets or driveways that meet the road naming requirements. These requirements are that the road must be at least 1200 feet in length and/or access three or more parcels. In the continuing process of naming streets or driveways in Catawba County, an unnamed street had been identified in Clines Township. It is located off of Dubs Cafe Rd. and was brought to staff's attention by Mr. Alex Rooker, who recently purchased property on this right-of-way for a home. There are five parcels on Lake Lookout accessed via this right-of-way. These properties currently have addresses off of Doctor Dr., which is just north of this right-of-way. However, Doctor Dr. does not go completely through to these parcels and therefore, the residents have been accessing their properties via the subject right-of-way. It was determined that this street should be named since five properties are accessed from it, three of which are or will soon be permanent home sites. Mr. Rooker first suggested naming the street Sunset Dr., but there is already a street by that name in the Claremont area. He then submitted the name of Windward Ln. and since there were no other road names suggested, and this

name was not a duplication, staff recommended approval of WINDWARD LN . The Planning Board conducted a public hearing on April 30, 2007. There was no opposition to this proposed name.

Chair Barnes opened the public hearing and hearing and seeing no one who wished to speak for or against this road naming, she closed the public hearing. Commissioner Barger made a motion to approve the naming of this road as Windward Ln. The motion carried unanimously.

b. Jacky Eubanks, Planning Director, presented a request by Mr. Terry Moretz to rezone a 2.18 acre tract, located at 4596 Macedonia Church Road in the Plateau Small Area Planning District, from R-40 Residential to RC-CD, Rural Commercial Conditional District. The subject parcel is currently occupied by a single-family residence and a commercial hauling operation. Properties to the north and to the south across Macedonia Church Road are zoned R-40 Residential and are either occupied by single-family residences or are vacant/wooded; the property to the east is zoned R-40 Residential and is occupied by a single-family residence; and the property to the west is zoned R-40 Residential and is occupied by an agricultural structure. Under the Catawba County Unified Development Ordinance (UDO), the RC Rural Commercial District, "provides small areas for offices, services, and retail uses, all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the district by permitting uses and building forms that are compatible with the rural area of the county". Generally, the R-40 Residential District is considered a low-density residential and agricultural district. Permitted uses in the R-40 Residential District consist of predominately site-built homes and agricultural uses, as well as double-wide manufactured homes in this specific area.

The property requested for rezoning is 2.18 acres in size. The requirements of the UDO limit developments within Rural Commercial districts to a maximum floor area ratio of 1:5 or 18,992 square feet of floor area. As submitted, this plan depicts a floor area ratio of approximately 1:14.5 or 6,400 square feet of floor area and includes one building, which is approximately 6,400 square feet in size and 20 feet in height; along with required parking, buffering and vehicular access areas. Neither public water nor public sewer is available to the property. The Catawba County Transportation Plan designates Macedonia Church Road as a rural collector road, defined as routes generally serving travel inside the county rather than regional or statewide travel.

The Plateau Small Area Plan, accepted on December 19, 2005, serves as the current land use plan for this area. The plan designates the property and the surrounding area as a low-density residential area. The business use of the subject property would generally be viewed as being inconsistent with recommendations of the Plateau Small Area Plan. However, the approved rezoning provides for the proper zoning of the property given the current business usage, and the conditional zoning limits the use and future uses to those approved through the conditional zoning process. The designation of conditional zoning to achieve higher standards in the overall design of commercial projects aids in accomplishing several of the recommendations and guiding principles of the Plateau Small Area Plan related to commercial development. County staff recommended adoption of a statement certifying the consistency of this request with the Plateau Small Area Plan and the rezoning of the property from R-40 Residential to Rural Commercial-Conditional District, based on the purpose of the Rural Commercial-Conditional District and the development standards, and improvements and specific use depicted on the site plan and made part of the conditional zoning process. The Catawba County Planning Board conducted a public hearing on this request on April 30, 2007. Two persons, including the applicant, spoke in favor of the rezoning request. No one spoke in opposition. The Planning Board unanimously concurred with the staff recommendations outlined above.

Chair Barnes then opened the public hearing on this request and noted the public hearing had been appropriately advertised. Hearing and seeing no one, she closed the public hearing and asked if the Board members had any questions. None were asked. Commissioner Hunsucker made the motion which is outlined in the below ordinance and said he appreciated the Moretz' patience and time spent to resolve this matter. Chair Barnes read the consistency statement into the record as indicated in the ordinance. The motion carried unanimously.

The adopted ordinance reads as follows:

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-40 Residential to Rural Commercial – Conditional District (RC-CD)

The 2.18 acre portion of two (2) parcels located at 4596 and 4536 Macedonia Church Rd in the Plateau Small Area Planning District, Jacobs Fork Township, and further identified as Parcel ID Numbers 3607-03-43-3158 and 3607-03-33-8382.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Plateau Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with certain guiding principles and recommendations of the Plateau Small Area Plan, as cited above, and in the public interest for the following reasons:

- Promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses;
- Serving the best interest of the community;
- Promoting economic development; and
- Encouraging different uses in close proximity to lessen traffic and environmental concerns.

This the 21st day of May 2007.

c. Jacky Eubanks, Planning Director, presented a request by Mr. Todd and Ms. Kelley Dittrich to rezone a 6.58 acre parcel, located at 7825 Highway 150 East in the Sherrills Ford Small Area Planning District, from R-30 Residential to PD Planned Development, and the authorization of a High-Density Watershed Development in accordance with the Catawba County UDO. The properties to the north across Highway 150 are zoned R-20 Residential and occupied by single-family residences. The property to the south is zoned R-30 Residential and is currently vacant/wooded. The property to the east is zoned R-30 Residential and occupied by a single-family residence. The property to the west is zoned Planned Development – Conditional District (PD-CD) and currently vacant, but is approved for retail and office development. Under the Catawba County UDO, the Planned Development District, “is established to encourage the master planning of large scale, multiple and/or mixed use development patterns. Applicants who propose a planned development have more flexibility and creativity in design than is possible under conventional zoning regulations.” Generally the R-30 Residential District is considered a medium-density residential and agricultural district.

The property requested for rezoning is 6.58 acres in size. The Planned Development-Conditional District would permit a maximum non-residential floor area ratio of 1:2, which calculates into 3.29 acres or 143,312 square feet of total floor area (note: rounding was used). The approved development includes 0.86 acres or 37,500 square feet of non-residential floor area, a floor area ratio of 1:8.

The second portion of this application involved a high-density watershed development permit. The subject property is located within a WS-IV-CA (Critical Area) of the Lake Norman Watershed, which places specific use and density standards on development. Properties within WS-IV-CA watershed areas are eligible for high-density development permits, which was being requested. The high-density development permit allows properties within WS-IV-CA areas to be developed to a maximum of 50% impervious area. Such approval permits the subject property to be developed to a maximum of 3.29 acres of impervious area (roof-tops, asphalt, etc.). The development as approved contains 2.64 acres, or 114,998 square feet of impervious area, which calculates into 40.12% total impervious area. Public water is available and located to the north along Highway 150. Public sewer is unavailable. Highway 150 East is designated as a major thoroughfare by the Catawba

County Transportation Plan. Major thoroughfares are defined as primary traffic arteries of the urban area, designed to move traffic from city to city and within urban areas.

The Sherrills Ford Small Area Plan, accepted on February 17, 2003, serves as the current land use plan for this area. The plan designates approximately 750 acres at the intersection of Highway 150 and Sherrills Ford Road as a "Village Center", consisting of a mixture of commercial, office and residential uses. Staff considered this request to be in conformance with the adopted land use plan. Staff recommended the rezoning, the authorization of High-Density Watershed Development, and approval of a statement that the plan is consistent with the Small Area Plan based on: 1) the Sherrills Ford Small Area Plan recognizing the area as a Village Center; 2) the purpose of the PD Planned Development District and 3) the close proximity of existing RC Rural Commercial, HC Highway Commercial and PD Planned Development zoning. This recommendation was subject to several conditions, including the elimination of parking spaces in excess of the requirements of the UDO; approval of all financial securities, maintenance agreements and operational and maintenance plans for all stormwater structures located on the development site and the revision of the plan to include a sidewalk along Highway 150, and is subject to the approval of final plans which conform to all applicable development standards of Catawba County.

The Catawba County Planning Board conducted a public hearing on April 30, 2007. No one spoke either for or against the request. The Planning Board unanimously concurred with the staff recommendation as outlined above. After discussions initiated by Vice-Chair Beatty and Commissioner Lail, the Board of Commissioners agreed with this recommendation with the additional conditions that a right-of-way be reserved at the east end of the property for possible connectivity to future commercial building and that walking trails between this proposed development and the Village Center be provided if the topography allowed.

Commissioner Barger made a motion adopt a statement affirming the consistency of the rezoning request with the Sherrills Ford Small Area Plan, (2) to recommend approval of the request to rezone the property from R-30 Residential to PD Planned Development and (3) to recommend approval of the authorization of the High-Density Watershed Development based upon:

- The Sherrills Ford Small Area Plan recognizing the area as a Village Center;
- The purpose of the PD Planned Development District; and
- The close proximity of existing RC Rural Commercial, HC Highway Commercial and PD Planned Development zoning.

The above recommendation is subject to the following items:

- The elimination of parking spaces in excess of the requirements of the UDO;
- The successful submittal, review and subsequent approval of all financial securities, maintenance agreements and operational and maintenance plans for all stormwater structures located on the development site;
- The revision of the plan to include a sidewalk along NC Hwy 150; and
- The successful submittal, review and subsequent approval of final plans which conform to all applicable development standards of Catawba County.
- A right-of-way be reserved at the east end of the property for possible connectivity to future commercial building and that walking trails between this proposed development and the Village Center be provided if the topography allowed.

Consistency Statement:

The Board of Commissioners finds that the request is consistent with the land use patterns established in the Sherrills Ford Small Area Plan and is consistent with the comprehensive plan for Catawba County.

The motion carried unanimously.

The adopted ordinance reads as follows:

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-30 Residential to PD Planned Development.

The 6.58 acre parcel located at 7825 East NC Hwy 150 in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel ID Number 4617-13-03-6989.

PLAN CONSISTENCY STATEMENT:

The Board of Commissioners finds that the request is consistent with the land use patterns established in the Sherrills Ford Small Area Plan and is consistent with the comprehensive plan for Catawba County.

This the 21st day of May 2007.

9. Appointments: None

10. Consent Agenda:

Assistant County Manager Lee Worsley presented the following four items for consent:

a. A request to approve a supplemental appropriation of \$8933 in State grant funds to assist in the cost of maintaining a comprehensive emergency management program in Catawba County. Catawba County Emergency Services receives funding each year from North Carolina Emergency Management to assist in funding the County's Emergency Management Program. Because these funds fluctuate from year to year, the County budgets on the basis of an average. This year, the County received \$28,933, which is \$8933 over the budgeted amount. The additional funds will be used for part-time wages to pay for contract staff who have worked on various special projects throughout the year, such as EMS base generators, a Regional Terrorism Exercise and a Citizens Alert Project, which will strengthen the County's Emergency Management program.

b. A request to approve a supplemental appropriation in the amount of \$52,432 from three United States Department of Health and Human Services' Health Resources and Services Administrations (HRSA) Grants, to be used for disaster preparedness. Catawba County has received HRSA grants in the past. This year's funds have been awarded to the Metrolina Trauma Regional Advisory Committee by the North Carolina Office of Emergency Medical Services. Under the terms of the agreement, that committee will sub-grant the funds to the EMS systems within its region. The Charlotte-Mecklenburg Hospital Authority (doing business as Carolinas Medical Center), on behalf of the Metrolina Trauma Advisory Committee, will sub-grant to Catawba County EMS a total of \$52,432 through three separate contracts. The equipment purchased through the grant will support the County's Special Medical Assistance Teams, as well as County efforts to prepare for and have equipment for pandemic disease events. \$21,960 of these funds will be used for the purchase of a laptop computer and operating software, including mapping and street location software, while \$22,972 will be used for the purchase of biohazard isolation kits, ventilation systems and masks, and \$7500 will be used for the purchase of chemical suits, gloves and facemasks. Under the terms of this grant, Catawba County must appropriate the funds, expend them and then, after receipts and deliverables are received by Carolinas Medical Center, the County will be reimbursed within 90 days.

c. A request for the Board to take several actions related to a grant that was awarded to the County from the North Carolina Housing Finance Agency. In March 2007, this agency awarded Catawba County with a 2007 Urgent Repair Grant in the amount of \$75,000. The program will assist approximately fourteen low-income households by providing energy efficiency improvements and minor structural repairs. The Western Piedmont Council of Governments will provide day-to-day management of the program with administration oversight being provided by the County's Department of Planning and Development. In order to satisfy the start-up conditions of the grant, the Board of Commissioners approved: 1) an agreement between the Western Piedmont Council of Governments and Catawba County for the provision of grant management assistance for this project

from May 21, 2007 through September 16, 2008; 2) a project budget ordinance in the amount of \$75,000 for rehabilitation and administration; and 3) an Assistance Policy for the Catawba County 2007 Urgent Repair Program.

d. A request for the Board to approve request from Catawba Valley Community College (CVCC) for the transfer of funds from completed capital projects and an appropriation from the Schools Capital Projects fund balance, in order to replace the chiller at the college's Paap Building. This chiller unit is eighteen years old and no longer working. Over its lifetime, two compressors have been installed and full replacement is now being recommended. The lowest quote received for replacement is \$122,300. CVCC has \$73,132 remaining in its General Renovations Projects budget and \$15,659 in its Roofing Projects budget, for a total of \$88,791 that can be transferred for this purchase. The college is requested an additional appropriation of \$33,509 from the Schools Capital Projects fund balance, for a total of \$122,300.

Chair Barnes asked if any Commissioner wanted any item broken out of the consent agenda and none were requested. Vice-Chair Beatty made a motion to approve the items on the consent agenda. The motion carried unanimously.

11. Department Reports: None.
12. Other Items of Business: None.
13. Attorneys' Report. None.
14. Manager's Report. None.
15. Chair Barnes adjourned the meeting at 8:05 p.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk